

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IHAB NADHIM KIFAH,

Petitioner,

v.

JOHN ZANONI,

Respondent.

Case No. 1:24-cv-01028-CDB

ORDER ADMINISTRATIVELY CLOSING
INSTANT CASE AS OPENED IN ERROR

Petitioner Ihab Nadhim Kifah (“Petitioner”) is a state pretrial detainee proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 1). This action was filed on August 29, 2024. *Id.*

Approximately one month earlier (July 25, 2024), Petitioner filed a nearly identical petition in *Kifah v. On Habeas Corpus*, Case No. 1:24-cv-00856-JLT-SKO.¹ On July 29, 2024, the Honorable United States Magistrate Judge Sheila K. Oberto issued an order granting Petitioner leave to file a motion to amend his petition to name a proper respondent. (*Kifah*, Doc. 3). It appears that the instant petition was filed in response to Judge Oberto’s order given that it names a new respondent but advances virtually identical allegations and claims for relief. Therefore, the instant action is duplicative of the first, and was opened in error. As a result, the

¹ A court may take judicial notice of court records in another case. *United States v. Howard*, 381 F.3d 873, 876 n.1 (9th Cir. 2004).

1 Court directs the Clerk of the Court to correct this administrative error by closing the incorrectly
2 opened new case.

3 Petitioner is informed that he should continue to respond to orders issued in Case No.
4 1:24-cv-00856-JLT-SKO regarding his petition for writ of habeas corpus and identify his filings
5 with that case number. **That case remains open at this time and is not affected by this order.**
6 In addition, Petitioner will **not** be charged the filing fee for this incorrectly opened case.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The Clerk of the Court shall ADMINISTRATIVELY CLOSE Case No. 1:24-cv-01028-
9 CDB; and
- 10 2. The Clerk of the Court shall file in *Kifah v. On Habeas Corpus*, Case No. 1:24-cv-00856-
11 JLT-SKO the petition (Doc. 1) filed and this order issued in Case No. 1:24-cv-01028-
12 CDB.

13 IT IS SO ORDERED.

14 Dated: September 5, 2024



15 UNITED STATES MAGISTRATE JUDGE

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